

Silverberg P.C.

320 Carleton Ave., Suite 6400, Central Islip, New York 11722
Phone: 631-778-6077
www.silverbergpclaw.com

KARL SILVERBERG
ksilverberg@silverbergpclaw.com

February 16, 2022

VIA ECF and Email
(CronanNYSDCChambers@nysd.uscourts.gov)

Hon. John P. Cronan, USDJ
United States District Court, SDNY
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, New York 10007

Re: *FXR Construction, Inc. v. Federal Insurance Company aka*
Chubb et al., SDNY Dock. # 20-cv-11086-JPC
Sub-Re: Request Permission to Amend the Complaint

Dear Hon. John P. Cronan,

My office represents plaintiff FXR Construction, Inc. ("FXR"). By Order dated February 11, 2022, ECF Doc. 42, this Court directed plaintiff FXR to "submit an affidavit outlining all Defendants' citizenships." FXR has filed its affidavit. As part of responding to the Order, I obtained a property title search to look for potential necessary parties under the New York Lien Law. There appears to be potential necessary parties that would destroy diversity under FXR's mechanic's lien bond cause of action.

As such, I ask the Court for permission to allow FXR to amend its complaint to remove its mechanic's lien bond cause of action (cause of action #2 – mistakenly designated as #5) so as to preserve federal court jurisdiction. The amended complaint would leave a payment bond claim in place.

Very truly yours,

/s/ Karl Silverberg

Karl Silverberg

The request is granted. Plaintiff shall file an amended complaint by March 9, 2022. The pending motion to dismiss, Dkt. 19, is denied as moot.

SO ORDERED.
Date: February 16, 2022

New York, New York


JOHN P. CRONAN
United States District Judge